

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NITETEK LICENSING LLC,

Plaintiff,

v.

EVBOX NORTH AMERICA INC.,

Defendant.

CASE NO. 1:21-cv-04738-DLC

PATENT CASE

JURY TRIAL DEMANDED

**NOTICE OF DEFENDANT’S RULE 12(B)(6) MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Pursuant to S.D.N.Y. Local Rule 7.1, Defendant EVBox North America Inc. (“EVBox”) respectfully moves this Court to dismiss Plaintiff Nitetek Licensing LLC.’s Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.

The grounds for this motion are further set forth in EVBox’s Memorandum of Law in Support of its Motion to Dismiss for Failure to State a Claim, which is being filed contemporaneously herewith.

Dated: July 6, 2021

FISH & RICHARDSON P.C.

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COUNSEL FOR DEFENDANT

EVBox NORTH AMERICA INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 6, 2021, a true and correct copy of the foregoing document was filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Excyllyn J. Hardin-Smith

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